IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 517/2005

KANHYA LAL & ANR. Vs. STATE OF RAJASTHAN

DATE: 13.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.R. Surana for the accused-petitioners.
Mr. B.S. Chhaba, PP for the State.

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The present criminal revision petition under Section 397 Cr.P.C. is preferred by the petitioners against the judgment dated 21.02.2005 passed by the Additional Sessions Judge (Fast Track) No.1, Tonk in Criminal Appeal No. 3/2003 confirming the order dated 28.10.99 passed by the Judicial Magistrate, Tonk in Criminal Case No. 508/92, whereby the petitioners have been convicted under Section 341 IPC with a fine of Rs. 250/- each, in default of payment of fine to undergo simple imprisonment for one month.

It is not disputed that the accused-petitioners have already deposited the amount of fine of Rs. 250/- as awarded by both the Courts below and now this revision petition has been preferred by the petitioners against the judgment passed by the Court

below with regard to their conviction under Section 341 IPC and prayed that since the amount of fine has already been deposited by the petitioners, therefore, they may be given the benefit of probation under Section 4 of the Probation of Offenders Act as this is the first offence committed by the accused-petitioners and there is no criminal case pending against them other than this.

I have heard rival submissions of the respective parties and have also gone through the impugned judgments.

Since the amount of fine has already been deposited by the accused-petitioners, therefore, I deem it proper to grant the benefit of probation under Section 4 of the Probation of Offenders Act to the accused-petitioners and acquitted them from the offence under Section 341 IPC. So far as sentence of fine is concerned, the impugned order shall remain in force as the same has been executed by the accused-petitioners by way of depositing the same.

With these observations, the revision petition stand disposed of.

(K.S. RATHORE),J.

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